IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 9003 of 2007(V)

PETITIONER:
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1. PADMARAJAN,S/O.PARAMESWARAN,AGED 47 YEARS,PULIMOOTTIKKADAYIL MEENADU CHERRY,MEENADU VILLAGE.

2. REMABHAI AMMA,VADAKKATHIL VEETTIL MEENADU CHERRY,MEENADU VILLAGE.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY ITS CHIEF SECRETARY,GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,KOLLAM.

3. THE SECRETARY,CHATHANNUR GRAMA PANCHAYATH,CHATHANOOR,KOLLAM.

4. THE AREA MANAGER,THE AIR TELL,CIRCLE OFFICE,BHARATHY TOWER,S.A ROAD,KADAVANTHRA, KOCHI- 682 020

5. THE MANAGER,THE AIR TELL DISTRICT OFFFICE,KOLLAM.

6. POLLUTION CONTROL BOARD,KOLLAM.

7. JAYAPRAKASH,S/O.PARAMESWARAN PULIMMOOTIL KADAYILA,MEENADU,CHANDAMUKKU,MEENADU VILLAGE, KOLLAM TALUK.

BY ADV. SRI.SANTHOSH MATHEW
SMT THULASI BAI SC POLLUTION CONTROL BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) No. 9003 of 2007 **APPENDIX**

Ext.P1: A True photocopy of the Tax receipt dated 2-06-2006

Ext.P2: A true photocopy of the Tax Receipt dated 24-12-1997

Ext.P3: A true photocopy of the Mass Petition

Ext.P4: A true photocopy of the medical records showing the treatment of the petitioner's mother Suseela

Ext.P5: A true photocopy of the order dated 30-08-2006

//True copy

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PIUS.C.KURIAKOSE .J

W.P.(C) No.9003 of 2007

Dated this the 19th day of March 2007

JUDGMENT

This writ petitioner seeks interalia a writ of mandamus commanding the 3rd respondent not to accord sanction to the 4th and 5th respondents to construct mobile phone tower in the property of the 7th respondent without ensuring the compliance of the directions in Ext.P5 order. On a perusal of Ext. P5 order, it will be seen that the same has been issued on the basis on a order passed by the Ombudsman for Local self Government institutions in O.P.356/2006 dated 2-8-2006. Under that order the Honourable Ombudsman has directed that 'No Objection Certificate' from the Atomic Energy Commission will also have to be submitted by persons desirous of installing mobile telephone towers as a part for obtaining licence from the local authorities . But as rightly submitted by Sri.Santhosh Mathew Counsel for Respondent Nos. 4 and 5 , the above order of the Ombudsman itself had been quashed by me by my judgment in W.P.(C) 21528 of 2006. In fact I had relied on the judgment of a Division Bench of this Court in **Reliance Infocom Ltd.Vs. Chemanchery Grama Panchayat 2006 (4) KLT 695.** Moreover I noticed that in many other similar cases considered by me recently, the stand of Atomic Energy Regulatory Board and also

of the World Health Organisation that in terms of radiation the Mobile Telephone Towers do not pose any potential danger in comparison to the radio towers taken before the Bombay High Court was considered in all these cases, installation of towers were permitted subject to the service providers obtaining all necessary statutory clearances and licences. This writ petition is accordingly would stand dismissed. However it is made clear that the 3rd respondent Panchayahth will issue license to the petitioner after being convinced that the service providers namely Respondent Nos. 4 and 5 are having all statutory clearances and certificates. No objection certificate of the Atomic Energy Commission will not be insisted upon.

Dismissed .No costs.

PIUS.C.KURIAKOSE .JUDGE

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